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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,851	12/21/2001	Tom R. Belau	KCC 4844 (KC# 16,629)	4045

7590 10/20/2004  
Senniger, Powers, Leavitt & Roedel  
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16th Floor  
St. Louis, MI 63102

EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/036,851	Applicant(s) BELAU ET AL. <span style="float: right;">9</span>	
	Examiner Lynda M Salvatore	Art Unit 1771	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12-17, 21-24, 28-33, 39 and 42-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 62 and 63 is/are allowed.
- 6) ☐ Claim(s) 1-9, 12-17, 21-24, 28-33, and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 07/21/04 has been fully considered and entered. Claims 10,11,18-20-25-27 and 24-36 have been canceled and claims 1,12-15,21, and 28-31 have been amended, and new claims 62-63 have been added requested. Claims 1-9,12-17,21-24,28-33 and 38 presently remain pending. With regard to claims 62-63, as previously set forth in section 6 of the last Office Action, claims 10 and 26 would be allowable if rewritten in independent form. In response, Applicant added new independent claims 62 and 63, which correspond respectively to claims 10 and 26. As such, claims 62 and 63 are found allowable. Applicant's amendment to claim 8 is found sufficient to overcome the objection set forth in section 3 of the last Office Action. As such, this objection is hereby withdrawn. Despite this advance, Applicant's amendments are not found patentably distinguishable over the combination of prior art made of record and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-9, 12-17, 21-24,28-33, and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stokes et al., US 5,858,515 in view of Roxendal et al., WO 99/27879.

Applicant amended claims 1 and 21 to recite the limitation of "the first characteristic being a first tensile strength and the second characteristic being a second tensile strength, the second tensile strength being greater than the first tensile strength" Applicant also amended

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claims 15 and 31 to define the first and second characteristic as “stiffness”. Applicant argues the combination of prior art fails to teach the claimed invention as presently set forth. Specifically, Applicant argues that the primary reference of Stokes et al., lacks a teaching to form first and second regions of continuous unbonded areas wherein the regions have different characteristics and the secondary reference of Roxendal et al., fails to cure this deficiency. Applicant asserts that the though the secondary reference of Roxendal et al., teaches an acquisition layer having two zones which are different with respect to one or more properties such as bonding pattern, Roxendal et al., fails to teach a plurality of discrete unbonded areas as presently claimed. Applicant discloses that the purpose of providing two zones of differing properties is to improve fluid flow, such as absorption and fluid distribution. Applicant further argues that merely providing two different bonding pattern zones would not necessarily inherently have the claimed tensile or stiffness differential as presently claimed.

These arguments are not found persuasive on the grounds that it is the position of the Examiner that the combination of prior art explicitly and/or inherently meets all of the chemical and structural features of the claimed invention. Recall, Stokes et al., teaches a patterned unbonded non-woven fabric having continuous bonded areas defining a plurality of discrete unbonded areas. Said discrete unbonded areas function as fluid flow points or channels. The patterned un-bonded non-woven fabric is suited for use as a fluid management or distribution material for personal care absorbent articles. Stokes et al., fails to specifically teach the limitations of providing a first plurality of discrete unbonded areas and a second plurality of discrete unbonded areas wherein the second discrete unbonded area has a characteristic that is different from the first plurality of discrete unbonded areas, however, Roxendal et al., teaches an

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absorbent article comprising a layer which has been bonded together in a bonding pattern.

Roxendal et al., specifically teaches that the bonding pattern can be the same across the layer or be different in parts thereof. More specifically, the bonding pattern can be more sparse in the wetting area and be more dense outside the wetting area or the bonding pattern design can be in such a pattern to produce areas of differing thickness. Thus, with regard to Applicant's purpose of providing two zones of differing properties, the Examiner submits that the invention of Stokes et al., and Roxendal et al., appear to be equally concerned with fluid management. As such, the Examiner maintains that motivation exists to modify the invention of Stokes et al., with the teachings of Roxendal et al.

With specific regard to providing zones of differing tensile strength and stiffness, Applicant argues that providing two different bonding pattern zones would not necessarily inherently have the claimed tensile or stiffness differential as presently claimed. The Examiner respectfully disagrees and maintains that said properties <sup>are</sup> ~~would be~~ inherent to the invention provided by Stokes et al., in view of Roxendal et al. Applicant has not set forth how the claimed invention is patently distinct from that of the prior art. It is Applicant's opinion that the differing zoned bonding patterns taught by Roxendal et al, would not have the claimed tensile or stiffness differential, but has failed to provide factual objective evidence to support said opinion. In other words, if Applicant argues a lack of inherency with respect to the tensile strength and stiffness, it is the position of the Examiner that Applicant's claims are incomplete as they do not provide the structural and/or chemical limitations, which provide for said tensile strength and stiffness properties. It appears that the claimed tensile strength and stiffness properties are achieved by the zoned pattern bonding, which is taught by the combination of prior art. Thus, absent any

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patentably distinguishing limitations as to what provides for said tensile strength and stiffness properties, the Examiner maintains that said properties are inherent.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 15, 2004

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CHERYL A. JUSKA  
PRIMARY EXAMINER